

In re Patent Application of:

ROY

Serial No. **10/777,871**

Filing Date: **February 12, 2004**

REMARKS

Applicant thanks the Examiner for the detailed study of the present application. Claims 1-33 are pending application. In view of the arguments set forth below, it is respectfully submitted that all of the claims are patentable.

I. The Claimed Invention

The present invention is directed to a communications system. As recited in independent Claim 1, for example, the system includes a plurality of mobile wireless communications devices each comprising a respective software client using at least one of a plurality of different operating protocols as configuration commands and instructions for accessing electronic mail and data systems to send at least one access request. The system further includes a plurality of data storage devices for storing data files, each data file being associated with a respective mobile wireless communications device, each data file having a unique identification (UID) associated therewith, with each data storage device using at least one of the plurality of different operating protocols. Moreover, a protocol interface device is also included which comprises a protocol converter module for communicating with the plurality of mobile wireless communications devices using respective operating protocols thereof, and a protocol engine module for communicating with the plurality of data storage devices using respective operating protocols thereof. Moreover, the protocol engine module is also for polling the data storage devices for UIDs of data files

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stored thereon, and for cooperating with the protocol converter module to provide UIDs for respective data files to the mobile wireless communications devices upon receiving access requests therefrom. In particular, the polling occurs without device initiated commands from the software clients whether there is or is not communications with a mobile wireless communications device to maintain UIDs current to within a polling interval and reducing latency when communication occurs.

Independent Claims 12 and 18 are directed to related protocol interface devices. Moreover, independent Claim 24 is directed to a related method, and independent Claim 29 is directed to a related computer-readable medium.

II. The Claims Are Patentable

The Examiner rejected independent Claims 1, 12, 18, 24, and 29 under 35 U.S.C. §102(e) based upon U.S. Patent Publication No. 2003/0193967 to Fenton et al. This reference is directed to a system for processing a multimedia message in which a multimedia message is received and it is determined whether the multimedia message should be processed using a customized process. If the multimedia message should be processed with the customized process, one or more customized processing instructions is retrieved from a database and the multimedia message is processed using the one or more customized processing instructions. If, however, the multimedia message should not be processed using the customized process, the multimedia message is processed using a

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standard process. See, e.g., paragraphs 0007-0008 of Fenton et al.

The Examiner contends that Fenton et al. teaches all of the recitations of the independent claims. In particular, the Examiner points to paragraph 0051 as somehow teaching a protocol engine module that is for polling the data storage devices for UUIDs of data files stored thereon, and for cooperating with the protocol converter module to provide UUIDs for respective data files to the mobile wireless communications devices upon receiving access requests therefrom, where the polling occurs without device initiated commands from the software clients whether there is or is not communications with a mobile wireless communications device to maintain UUIDs current to within a polling interval and reducing latency when communication occurs. Paragraph 0051 of Fenton et al. is reproduced below in its entirety for convenience of reference:

"[0051] MMS 200 interaction with voice mailbox systems should be performed on a non-real time basis. The Voice Profile for Internet Mail Version 2, VPIMv2, provides format extensions for MIME supporting the transmission of voice messages over standard Internet e-mail systems. The VPIM concept was developed by the Electronic Messaging Association ("EMA"). After VPIMv2 had been reviewed by the IETF it became RFC 2421. The VPIM specification allows voice records to be MIME encapsulated and sent as Internet mail attachments

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via Simple Mail Transfer Protocol ("SMTP") or retrieved as Internet mail attachments via POP3 or IMAP4. The MIME type used for voice messages is "audio/*". For the interaction of MMS 200 with voice mailboxes, the voice mailbox may forward received voice records as VPIM messages via SMTP to the MMC 202. In this case, the protocol to be used on the interface between MMC 202 and the voice mailbox is SMTP and is, therefore, identical to the one used between different MMCs. Alternatively, the MMC 202 may poll the voice mailbox via POP3 or IMAP4 for newly received messages. Messages that the user wants to retrieve via the MMS service can then be downloaded via POP3/IMAP4 from the voice mailbox to the MMC 202 from where they are delivered to the MMS User Agent 222 or 224. This enables the user to do both, retrieve voice messages via today's real time voice mail services or as a multimedia message. In any case, it is expected that the voice mailbox is still the owner of the message and as a consequence is responsible for the storage. As an alternative, the MMS 200 interworking with a 2G/3G Voice Mailbox System could be envisaged via an Hypertext Transfer Protocol ("HTTP") interface." (Emphasis added).

The above-quoted paragraph of Fenton et al. simply teaches that in the system thereof voice mail messages in a voice mailbox may be accessed from a multimedia messaging user agent. Fenton et al. teaches that this can happen in one of two ways. The first is that the voice mailbox forwards newly received voice messages as VPIM messages via SMTP to the multimedia messaging

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center (MMC) 202. In other words, the MMC 202 performs no polling for new messages, instead they are automatically forwarded as received by the voice mailbox.

The second approach is that the MMC 202 polls a voice mailbox via POP3 or IMAP4 for newly received messages, and the user has to select messages that he/she wants to retrieve via the MMS service, which are then downloaded via POP3/IMAP4 from the voice mailbox to the MMC 202 for delivery to a user MMS User Agent 222 or 224. Neither the above-quoted passage nor any other in Fenton et al. teaches that the way in which MMC polls for new voice messages is based upon any UID associated with the voice messages. That is, Fenton et al. is silent as to how it is determined which voice messages are new and which are not.

Moreover, Fenton et al. does not clearly disclose whether the MMC polling occurs responsive to a user-initiated request to check for new voice messages or not. As the highlighted text in the above quote states, the purpose of the system is to enable the user to retrieve voice messages via real time voice mail services or as a multimedia message. This may well indicate that the user (i.e., via a device client) initiates the new voice mail polling by the MMC. The fact that user has to select messages to be downloaded in the second approach may also be an indication that the user initiates the polling process. Thus, it cannot be fairly assumed that the polling operation is

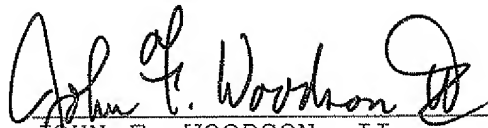
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done without device initiated commands from a user device software client. To find otherwise would require the impermissible use of the claimed invention, in hindsight, as a template or roadmap to piece together the teachings of the prior art. As such, Fenton et al. simply fails to teach (or fairly suggest) all of the recitations of the above-noted independent claims.

CONCLUSIONS

In view of the foregoing, it is submitted that all of the claims are patentable. Accordingly, a Notice of Allowance is respectfully requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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